

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1279 be amended to read as follows:

- 1           Page 92, between lines 6 and 7, begin a new paragraph and insert:
- 2           "SECTION 65. [EFFECTIVE JULY 1, 2006] (a) **The definitions in**
- 3           **IC 8-1-2.6 apply to this SECTION.**
- 4           (b) **As used in this SECTION, "committee" refers to the**
- 5           **regulatory flexibility committee established by IC 8-1-2.6-4.**
- 6           (c) **For purposes of this SECTION, a rate charged by a**
- 7           **telecommunications provider is considered predatory if, for**
- 8           **purposes of reporting to taxing authorities, the rate charged for a**
- 9           **particular service is not set at or above the service's long run**
- 10           **incremental cost.**
- 11           (d) **For the period beginning July 1, 2006, and ending June 30,**
- 12           **2008, the committee shall conduct an analysis of the rates charged**
- 13           **by the telecommunications industry in Indiana for any service**
- 14           **provided at the wholesale or retail level.**
- 15           (e) **The committee shall make a record of each instance of**
- 16           **predatory pricing identified by the committee during the course of**
- 17           **the analysis required under this SECTION.**
- 18           (f) **The committee shall report the findings of the analysis**
- 19           **required under this SECTION to the legislative council before**
- 20           **November 1, 2008. The report must include the committee's**
- 21           **recommendation's, if any, for regulatory or legislative intervention.**

- 1       **(g) The report and recommendations issued under this**  
2       **SECTION to the legislative council must be in an electronic format**  
3       **under IC 5-14-6.**  
4       **(h) This SECTION expires January 1, 2009."**  
5       Renumber all SECTIONS consecutively.  
      (Reference is to EHB 1279 as printed February 17, 2006.)

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Senator HERSHMAN